United Nations A/C.6/61/SR.2

General Assembly
Sixty-first session

Official Records

Distr.: General
31 October 2006

Original: English

Sixth Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Wednesday, 11 October 2006, at 10 a.m.

Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session (*continued*)

Agenda item 100: Measures to eliminate international terrorism

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06-56361 (E)

The meeting was called to order at 10 a.m.

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session (*continued*) (A/61/17)

1. **Mr. Makarowski** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) expressed appreciation for the Commission's efforts to maintain close cooperation with other international bodies and organizations active in the field of international trade law. Such coordination was key to success with regard to global trade and economic development. During the thirty-ninth session, the Commission had achieved significant results in the field of secured transactions and arbitration, including the approval in principle of the key objectives and major policies of the draft legislative guide on secured transactions, which would promote access to low-cost secured credit, and the adoption of the new provisions on interim measures of protection and the form of the arbitration agreement, which would facilitate the use of arbitration as a method of settling international commercial disputes. Important steps forward had also been taken in the Commission's work on revising the Model Law on Procurement of Goods, Construction and Services to reflect new practices, in particular those resulting from the use of electronic communications in public procurement. In the area of transport, Working Group III had made good headway in the development of a new international transport convention with multi-modal application. Progress had also been made with regard to insolvency law, and the Nordic countries were pleased with the Commission's plans for further deliberations in that area. The Nordic countries thanked the Commission and its secretariat for the excellent results obtained during the thirty-ninth session and looked forward to continue contributing to the development of international trade law.

2. **Mr. Guan** Jian (China) said that the main items discussed during the thirty-ninth session were forward-looking and represented areas in international trade in which harmonization and unification were urgently needed. The fact that the session had been attended by participants from countries and regions with varying degrees of economic development and different legal regimes, as well as participants from various international organizations, demonstrated the representative and authoritative nature of the Commission's work. His Government had always taken an active role in the drafting of international trade rules, believing that legal instruments such as conventions and model laws on international trade drafted by UNCITRAL played an important role in promoting the healthy development of international trade. During the thirty-ninth session of UNCITRAL China had signed the United Nations Convention on the Use of Electronic Communications in International Contracts. That instrument would help China in adopting and complying with international rules and regulations in the field of electronic commerce, thus facilitating international trade and promoting the development of e-commerce in China.

3. His delegation called upon the General Assembly to continue providing strong support to UNCITRAL. China hoped that Member States would continue deepening their involvement in the Commission's activities and work collectively towards the goal of unification of international trade law and development of international trade.

4. **Mr. Tajima** (Japan), commenting on the Commission's work on procurement, said it was essential to adjust the UNCITRAL Model Law on Procurement of Goods, Construction and Services in response to changes in circumstances, such as the recent expansion of the use of electronic communications and electronic reverse auctions in the area of procurement. His delegation hoped that Working Group I would be successful in addressing those changes. With regard to international arbitration and conciliation, Japan appreciated the revision of the UNCITRAL Model Law on International Commercial Arbitration completed by Working Group II. The Working Group had now begun revising the UNCITRAL Arbitration Rules. His delegation considered it important to modernize the Rules and looked forward to the outcome of the Working Group's efforts.

5. In the area of transport law, the work aimed at producing new uniform laws on the international carriage of goods by sea was of great importance, as it would establish clear rules that would facilitate the resolution of problems that existing legal frameworks did not address. However, careful deliberation would be required on the existing draft instrument, which comprised numerous articles and presented some difficult issues, including that of scope of application. His Government was cooperating in the drafting process and looked forward to further achievements in that area.

6. With respect to insolvency law, Japan expected Working Group V to continue making efforts to ensure the smooth and efficient disposition of insolvency and promoting its legal predictability through a careful examination of the treatment of corporate groups in insolvency. Regarding security interests, it was essential to formulate a legislative guide on security interests in goods, including legislative recommendations with respect to security rights pertaining to movable property. Such an instrument would promote the provision of credit and enhance economic growth and international trade through the creation of a flexible and effective legal framework for security interests. During its thirty-ninth session, the Commission had approved the substance of the recommendations of the draft legislative guide on secured transactions. His delegation hoped that careful consideration would be given to the other recommendations in order to facilitate the development of a harmonized international legal regime, taking into account the need for coordination of the existing national legislation of individual States in that area.

7. **Mr. Kuzmin** (Russian Federation) said that the main achievements of the Commission in the current year had been the preliminary approval of a draft UNCITRAL legislative guide on secured transactions and the adoption of legislative provisions on interim measures and the form of the arbitration agreement. The Russian Federation supported the continuation of the activities of all the working groups of the Commission, particularly those relating to transport law and procurement. He welcomed the signing by China, Singapore and Sri Lanka of the United Nations Convention on the Use of Electronic Communications in International Contracts during the Commission's thirty-ninth session and noted that the Convention was a vital legal instrument, given the increasing use of electronic document exchange in place of traditional contracts on paper. Noting that elections to the Commission were due to be held during the current session of the Assembly, he expressed the hope that the Commission would continue its fruitful work in enhancing the legal basis for international trade.

8. **Mr. Muchemi** (Kenya) joined previous speakers in noting that the draft legislative guide on secured transactions would facilitate low-cost credit and thus promote domestic and international trade. His delegation was confident that its broad scope would allow it to overcome obstacles to the international lending system by removing ambiguities in key areas; he looked forward to its adoption at the Commission's next session. Kenya welcomed the adoption of the revised provisions on interim measures and the form of the arbitration agreement, which would contribute to the harmonization of the related legislative regimes. The Commission's adoption of a declaration regarding the interpretation of certain provisions of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards was a significant development which would be taken into account by Kenya with a view to updating its own national laws and practices on international commercial arbitration. Kenya continued to follow with interest the work of the various working groups and endorsed the Commission's recommendations with regard to future work in the areas of electronic commerce and insolvency law. He commended the UNCITRAL secretariat for its ongoing efforts to increase cooperation and coordination with other international organizations active in the field of international trade law, which would help to eliminate duplication and reduce inconsistencies in international standards. In conclusion, he reiterated the views expressed by the African Group at the sixtieth session of the General Assembly regarding the lack of funding for technical assistance and capacity-building activities for developing countries. The high cost of attending the Commission's meetings, which was a matter of particular concern for developing countries was causing those meetings to become increasingly the preserve of trade law experts from developed countries. He therefore urged Member States to contribute to the UNCITRAL trust fund for travel assistance to Commission members from developing countries.

9. **Ms. Sunderland** (Canada) said that her delegation was pleased to note the work done by the Commission during its thirty-ninth session. The approval in principle of the substance of the recommendations in the draft UNCITRAL legislative guide on secured transactions was a particularly important step in the development of a global model for a modern secured financing regime. Canada looked forward to completion of the draft guide in 2007. Her delegation supported the Commission's decision to undertake new work in the area of insolvency law and to begin revising the UNCITRAL Arbitration Rules. Canada noted the progress made during the session on procurement issues in the context of the UNCITRAL Model Law on Procurement and in the negotiations on transport law, which her Government considered to be of great value. Canada reaffirmed its

support for UNCITRAL and its intention to continue participating in the Commission's unique work.

10. **Mr. Ghaniei** (Islamic Republic of Iran) said that his delegation recognized the need for gradual harmonization of national laws to keep pace with current global trends. However, Iran wished to support the wise advice offered by several members of the Commission during the thirty-ninth session concerning the revision of the UNCITRAL Arbitration Rules of 1976 (A/61/17, para. 184). It was evident that those Rules enjoyed wide-ranging recognition and had served as a model for national legislation in numerous countries, including his own, as well as for dispute settlement mechanisms in bilateral investment protection agreements. The Commission should therefore take a very cautious approach to revising the Rules, so as not to harm the desired flexibility of the text in its current form.

11. His delegation commended the decision to entrust the Commission's secretariat with the task of preparing, in cooperation with relevant organizations, in particular the World Intellectual Property Organization (WIPO), a note discussing the scope of future work by the Commission on intellectual property financing and to organize a colloquium on the subject, ensuring the participation of relevant international organizations and experts from various regions of the world. His delegation also welcomed the Commission's decision to hold, during the last week of its fortieth session, a congress on international trade law to review and reflect on past achievements, assess the current work of UNCITRAL and consider future activities. Iran believed that the congress would also provide a good opportunity to evaluate the contributions of other organizations working in the field of international trade law.

12. **Mr. Karangizi** (Chairman of the United Nations Commission on International Trade Law (UNCITRAL)) thanked delegations for their extensive comments and suggestions on the current and future work of UNCITRAL, particularly those relating to the area of the rule of law, which would help to ensure that UNCITRAL continued its sound work on the development, modernization, harmonization and unification of international trade law. The Commission had taken on board the Committee's comments and suggestions on organizational and administrative issues, including the need for increased technical assistance, especially capacity-building for developing countries. He sincerely hoped that the calls for increased contributions to the UNCITRAL trust fund would be heard, so that the secretariat would have the wherewithal to carry out the necessary technical assistance and cooperation work. He was optimistic that UNCITRAL would continue to complete its agenda in a timely fashion, and he hoped that all Member States would be represented at the congress in 2007.

Agenda item 100: Measures to eliminate international terrorism (A/61/37, A/61/178, A/61/210 and Add.1, A/61/280)

13. **The Chairman** recalled that the General Assembly had adopted the United Nations Global Counter-Terrorism Strategy on 8 September 2006 (A/RES/60/288) and noted that the plan of action adopted as part of the Strategy called for Member States "... to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism". The Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 was at the continued disposal of delegations to conduct informal consultations on the outstanding issues relating to the draft comprehensive convention, and he urged delegations to avail themselves of that opportunity and continue in their good faith negotiations, with a view to finalizing the work on that important instrument.

14. **Mr. Perera** (Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996), introducing the Ad Hoc Committee's report (A/61/37), said that between 27 February and 3 March 2006 the Ad Hoc Committee had held two plenary meetings and four rounds of informal consultations, as well as informal contacts, on the draft comprehensive convention on international terrorism. It had also held a round of informal consultations on the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. The atmosphere of the negotiations had been both positive and constructive. Detailed and incisive discussions had been held on various aspects of the draft comprehensive convention, including, in particular, possible ways in which the process could be advanced further. Although delegations had been unable to reach agreement on the outstanding issues, they had been earnest in their desire to continue negotiations with a view to reaching consensus.

15. There seemed to be substantial agreement on the importance of preserving the integrity of the bulk of the text. There was also a general sense that a solution to the outstanding issues revolved around draft article 18. A number of innovative ideas and approaches had been broached during his contacts with delegations, including the possible development of fresh proposals that would narrow the gap between various viewpoints, as well as a possible refinement of the language of some of the proposals submitted for discussion. It was evident, however, that more time would be required for some of those approaches and ideas to mature into language that was concrete and viable as a basis for a solution.

16. He hoped that delegations would seize the current opportunity to explore all possible avenues for resolving the issues impeding the adoption of the draft convention. Consistent with the commitment made by world leaders in the 2005 World Summit Outcome, the international community must seize the momentum gained through the adoption of the United Nations Global Counter-Terrorism Strategy and continue its work by further developing a comprehensive legal framework to combat terrorism.

17. **Mr. Al-Naqbi** (United Arab Emirates) said that terrorism represented a direct threat to all human values and to global peace and security. It was therefore incumbent on all States and organizations to intensify efforts to eliminate that scourge, including by examining its causes, as recommended in the Secretary-General's report (A/60/825). That report also emphasized that combating terrorism should not be used as a pretext for violating human rights and restricting civil freedoms. History had shown that oppression, coercion and discrimination encouraged the development of extremism. Terrorism should not be associated with a particular region, civilization, religion or culture. Tolerance and dialogue among cultures and civilizations should be promoted. He reiterated his Government's support for the holding of an international conference, under United Nations auspices, in order to establish a clear definition of terrorism, strengthen anti-terrorism laws and their non-selective implementation, and differentiate terrorism from the legitimate struggle of peoples under foreign occupation for national liberation and self-determination.

18. The United Arab Emirates, in implementation of the relevant Security Council resolutions, had established a national counter-terrorism committee comprising various government agencies and had also adopted federal laws on counter-terrorism and money-laundering. Other new laws prohibited affiliation with terrorist groups and association with their activities. Steps had also been taken to combat the financing of terrorism and to improve customs and border control.

19. The United Arab Emirates had strengthened its regional and international cooperation on information exchange and was a party to various international counter-terrorism instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism. It had also intensified its cooperation with Security Council committees with a view to closing loopholes in its legislation and implementing resolutions that called for the tracing and freezing of terrorist funds. Lastly, it was a party to the Gulf Cooperation Council security strategy for combating terrorism and the Arab Convention on the Suppression of Terrorism.

20. **Mr. Prasad** (India) said that all acts of terrorism were criminal and unjustifiable, as set out in the 1994 Declaration on Measures to Eliminate International Terrorism and other relevant international instruments. In recent months, India had again been subjected to horrific terrorist attacks in which more than 200 people had been killed and over 1,000 injured. Thanks to the resilience of ordinary people, the attacks had failed in their attempt to spread terror, harm the economy and trigger unrest. The continued killing of innocent civilians around the world reinforced the importance of a coordinated global approach to combating terrorism. It was to be hoped that the recently adopted United Nations Global Counter-Terrorism Strategy would unite the international community in the determination not to tolerate the sponsoring of terrorism or the provision of safe haven to terrorists.

21. India continued to believe that agreement could be reached on the draft comprehensive convention on international terrorism, despite the fact that the deadline set in the 2005 World Summit Outcome (A/RES/60/1) had passed. A further effort must be made, with flexibility on all sides, to finalize and adopt the text. The inclusion of a reference to international humanitarian law might allay some of the outstanding concerns. A high-level conference under United Nations auspices should be convened only after the draft convention had been completed.

22. India attached great importance to the comprehensive legal framework established by the United Nations to combat terrorism. It also appreciated

the counter-terrorism efforts of the United Nations Office on Drugs and Crime (UNODC), as outlined in document A/61/178, especially the Office's technical assistance activities at the national, subregional and regional levels to strengthen the legal regime against terrorism. Its work had helped to increase the number of ratifications of the international instruments against terrorism. The resources allocated to UNODC for its counter-terrorism activities should be increased.

23. **Mr. Akram** (Pakistan) said that, for historical and geographical reasons, Pakistan was in the front line of the global campaign against terrorism. It had captured more than 700 Al-Qaida terrorists and had broken the organization's central command and control system. In addition, its efforts had helped to pre-empt several terrorist plots, including the recent plot to blow up airliners departing from London. Pakistan was also helping to promote peace, stability and economic development in neighbouring Afghanistan. It had deployed 80,000 troops along the border and had conducted many operations against Al-Qaida and Taliban terrorists in the border region. Close cooperation between the two countries and the international community would make it possible to defeat the resurgent Taliban in Afghanistan.

24. In the context of the United Nations Global Counter-Terrorism Strategy, Pakistan was committed to intensifying international cooperation in the operational aspects of the campaign to eliminate terrorism. It also attached great importance to implementation of the measures outlined in the international instruments against terrorism and in the relevant Security Council resolutions. It was necessary, however, to ensure observance of the rule of law and due process in the implementation of such measures. To that end, Pakistan supported reform of the procedures of the Security Council committees, with a view to addressing problems such as the arbitrary application of sanctions and the difficulty of appealing against them. An early review of procedures would enhance the credibility of international action against terrorism and terrorist groups.

25. The Strategy had broadened the scope of the counter-terrorism campaign to encompass, for the first time, measures to address the root causes of terrorism and the wider aim of eliminating extremism and promoting harmony among civilizations. Moreover, the requirement in the Strategy that States should refrain from participating in terrorist activities represented a major advance in efforts to address terrorism comprehensively and equitably. The Strategy also stressed the need to prevent the defamation of particular religions and communities in the fight against terrorism. The inaccurate portrayal of Islamic beliefs fuelled extremism and terrorism and exacerbated divisions between the Islamic and Western worlds. An honest dialogue between Islam and the West had become a political imperative. Such a dialogue could be pursued through the Alliance of Civilizations and other similar initiatives, such as President Musharraf's concept of "enlightened moderation".

26. However, the Strategy would be of little value unless it was accompanied by an effective implementation mechanism. He therefore suggested that an ad hoc committee of the General Assembly should be established to monitor the implementation of the Strategy and specify its medium- and long-term objectives. In that context, the Counter-Terrorism Implementation Task Force should submit an annual report to the General Assembly on the implementation of the Strategy.

27. With regard to the draft comprehensive convention on international terrorism, Pakistan supported the position of the Organization of the Islamic Conference. The blanket exclusion of armed forces from the purview of the draft convention was unacceptable and inconsistent with the condemnation of terrorism set out in the 2005 World Summit Outcome. Terrorist acts committed by armed forces while suppressing a people's struggle for self-determination, during the course of a foreign occupation or in instances of genocide should not be excluded. It was not sufficient to argue that their activities were governed by the Geneva Conventions and their Protocols — so were the activities of irregular groups and guerrilla movements.

28. Pakistan remained open to discussion of any new proposal in that regard, but wished to reiterate its own previous proposal, which was to include in the draft convention the language of paragraph 81 of the 2005 World Summit Outcome, which condemned "terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes", and to delete article 18, paragraphs 2 and 3, of the draft. If others insisted on retaining those paragraphs, it would be necessary to qualify and limit the exclusion of armed forces, for example, by defining the conditions under which such an exclusion was possible or by affirming that the provisions of the draft convention did not constrain the legitimate right of peoples to struggle for self-determination or against foreign occupation.

29. **Mr. Chowdhury** (Bangladesh) said that the Committee had been instrumental in the development of the international conventions on terrorism. That work had taken on even greater importance since the terrorist attacks of 11 September 2001. His delegation commended the efforts made so far to conclude the draft comprehensive convention on international terrorism and would cooperate in every possible way to complete that task.

30. The causes of terrorism were often deeply rooted in injustice, inequality, subjugation and exploitation. The use of force might contain the threat temporarily, but a holistic approach was needed to eliminate it permanently.

31. Bangladesh had ratified 12 of the international conventions on terrorism and was currently completing the constitutional procedures for accession to the recently adopted International Convention for the Suppression of Acts of Nuclear Terrorism. It was also a party to the Regional Convention on Suppression of Terrorism of the South Asian Association for Regional Cooperation. It had put in place the necessary domestic legislation on terrorism and was in full compliance with its obligations under the relevant Security Council resolutions.

32. Bangladesh regretted the increasingly frequent attempts to link terrorism with one religion, namely Islam. Such attempts not only ignored Islam's contribution to world culture but were also ill-considered, as they provoked distrust and division. Attention should instead be focused on building bridges. In that connection, he commended to all delegations the resolution on the culture of peace that Bangladesh would be sponsoring, as in previous years.

33. A clear distinction should be drawn between terrorism and legitimate struggles against foreign occupation and for self-determination and independence. Bangladesh itself had achieved independence through a war of liberation, much of which had been conducted in an unconventional manner, like all such wars. Any attempt at political use of anti-terrorist sentiment to suppress genuine freedom movements was bound to backfire. That fact must be taken into account in any definition of terrorism. However, acts of terrorism against innocent people were abhorrent, and strict laws, both domestic and international, should be put in place accordingly. The United Nations should provide resources for capacity-building in that regard.

34. The adoption of the United Nations Global Counter-Terrorism Strategy was a landmark achievement. The international community must now seize the opportunity to conclude the draft comprehensive convention on international terrorism, for the sake of both current and future generations.

35. **Mr. Beck** (Palau) said that Palau was committed to promoting a global response to the problem of international terrorism and welcomed the Committee's continuing efforts towards the conclusion of a comprehensive convention on the subject. His country faced a unique threat from terrorism, since a single terrorist attack against it could be devastating for its tourist industry and hence for its development. He called on all Member States to show flexibility in the negotiations and to entertain compromise solutions in the few remaining areas of disagreement. Care should be taken to ensure that the final product of those negotiations was consistent with the United Nations Global Counter-Terrorism Strategy and that it did not appear to be condoning some forms of terrorism while condemning others. It was also important to avoid creating redundancy and confusion in international law. He therefore urged Member States to guard against the reiteration of well-established principles of international humanitarian law in their negotiations on the draft convention, which should seek to address behaviour not yet covered by international law. On the question of convening a high-level conference on international terrorism, his delegation believed that it would not be appropriate until the negotiations on the draft convention had been completed; he accordingly urged that they be completed during the current session of the General Assembly.

36. **Mr. Barriga** (Liechtenstein) said that Liechtenstein condemned terrorism in all forms, without distinction, and remained committed to the international fight against it. In considering the question, the Sixth Committee had to take into account a separate development in the form of the United Nations Global Counter-Terrorism Strategy. It should focus on the main outstanding task, namely the conclusion of the negotiations on the draft comprehensive convention. Political will and pragmatism would be needed to that end, along with proactive leadership. The negotiations should centre on the text and its legal interpretation and not be concerned with its political implications. It could not be expected to provide an overarching definition of terrorism or to add much to the scope of existing

international conventions; rather, it should fill the gaps between them and be applicable to States parties thereto that were not parties to an otherwise applicable sectoral convention. It would not affect the right to self-determination, nor would it make a distinction between terrorism and that right; the proposal of the Organization of the Islamic Conference on article 18 of the draft text expressed that very idea. All actors must, however, comply with international humanitarian law and other rules governing armed conflict. In order to clarify the relationship between the new instrument and international humanitarian law, his delegation proposed that the convention should not interfere with the rules of armed conflict by criminalizing conduct that would not otherwise be prohibited under international humanitarian law. Further, the convention should not deal explicitly with State terrorism, but nor should it exclude it. In any case, article 18 of the draft convention, in particular, could be seen as bringing acts that might be qualified as State terrorism within the scope of the convention. Lastly, the convention would not be comprehensive, but merely complement existing international instruments in that area; indeed, it would be better described as "general".

37. **Mr. Mohamad** (Sudan) said that the Sudan attached great importance to the current agenda item; it emphatically condemned all forms of terrorism, including State terrorism, and resolutely supported all efforts to eradicate it. In that spirit, it had consequently ratified the 12 sectoral counter-terrorism conventions and was considering acceding to the International Convention for the Suppression of Acts of Nuclear Terrorism. International cooperation to discharge the collective responsibility of combating terrorism should be guided by the principles of international law, including the Charter of the United Nations and the relevant international instruments, in which connection the Sudan supported all genuine efforts to produce a comprehensive convention on terrorism. Such efforts would be wasted, however, if they failed to address the economic, social and political factors that favoured the growth of terrorism, in particular foreign occupation and denial of the right to self-determination. Terrorist trends were also fuelled by the deliberate confusion of terrorism with struggles for liberation and independence, as well as by the calculated disregard of State terrorism. Moreover, the insidious tendency to link terrorism with persons belonging to a particular religion or culture broke the international consensus and called into question the motives for the counter-terrorism campaign. An ardent proponent of tolerance and dialogue among cultures and religions, his country was disturbed by the mounting pace of an organized campaign of attack against followers of the Islamic faith, including manifestations of disrespect for their Prophet, which, in its view, amounted to a form of terrorism worse than any involving the killing of civilians.

38. He supported the convening of a high-level conference on terrorism, as well as the Saudi Arabian initiative for the establishment of an international counter-terrorism centre. The Sudan had hosted a second regional counter-terrorism conference in September 2005 in the context of its role as an active regional player. In the war against terrorism, the United Nations should ensure that a perspective based on law and reason was maintained in order to avoid any worsening of the terrorism threat, intimidation of civilians or abandonment of human rights in the name of that war. The United Nations Global Counter-Terrorism Strategy was, however, a disappointment in that it omitted to define terrorism, make a distinction between terrorism and the right of peoples to self-determination or address State terrorism. It should therefore be reviewed for the purpose of making it fully effective and comprehensive. The Sudan would continue to support all United Nations efforts aimed at eradicating the destructive phenomenon of terrorism.

39. **Mr. Al-Hajri** (Qatar) said that his country vigorously condemned all forms of terrorism. It had enacted a number of counter-terrorism laws and acceded to various regional and international counter-terrorism conventions. It was also considering accession to other relevant international treaties and instruments. It supported the United Nations efforts to combat and eradicate terrorism but at the same time called for a distinction to be made between terrorism and the struggle of oppressed peoples and their right to engage in a legitimate struggle for independence. Recently adopted by consensus, the United Nations Global Counter-Terrorism Strategy failed to address that extremely significant issue and made no mention of State terrorism, which was one of the most serious threats to which weaker countries could be subjected on numerous pretexts.

40. With regard to the proposed comprehensive convention on terrorism, he stressed the importance of consensus, to which end the text should include a definition of terrorism that took into account the distinction between terrorist acts and the struggle of

peoples for liberation and in resistance to all forms of foreign occupation. It should also be based on the principle of fighting terrorism through peaceful means that included the removal of injustices, the restoration of rights and democratization. Another principle was the need to strengthen dialogue and understanding as a way of dealing with regional conflicts and preventing the random targeting of religions and cultures. Such a consensus text would be conducive to the success of any international conference on terrorism convened under United Nations auspices, an idea which he supported.

41. Firm emphasis was currently being laid on the achievement of justice, equality, mutual respect and shared interests by countering the challenges posed by, for example, poverty, natural disasters, organized crime and illegal trafficking in arms and drugs, which would in turn have a positive impact on curbing violence and terrorism. As always, Qatar continued to cooperate with the Counter-Terrorism Committee and comply with its legal responsibilities to implement the Security Council resolutions on terrorism. It was also making use of its role as a temporary member of the Security Council to propose moves aimed at strengthening the terrorism-related committees and enhancing their procedures.

42. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Moldova and Ukraine, said that no cause or grievance justified terrorism, which continued to be one of the most serious threats to international peace and security. It was a global menace and required a global response. The European Union therefore applauded the adoption by consensus of the United Nations Global Counter-Terrorism Strategy, which signalled the Member States' strength and determination in pursuit of a common goal. Implementation of that Strategy required enhanced cooperation within the United Nations system. For that reason, the European Union welcomed the institutionalization of the Counter-Terrorism Task Force, for which Member States needed to ensure the necessary resources.

43. The European Union urged Member States to accede to all the existing United Nations counter-terrorism conventions and protocols, which were the legal core of anti-terrorism measures. It commended the United Nations Office on Drugs and Crime for the technical assistance it provided to States in that connection and stressed that anti-terrorism measures must respect the rule of law and comply with international law, in particular humanitarian, human rights and refugee law.

44. The European Union remained fully committed to efforts to conclude a draft comprehensive convention on international terrorism, which should be the priority of the Sixth Committee. Lasting success in eradicating terrorism could, however, only be achieved if the conditions that helped to produce it were addressed. In addition, efforts should be made to disrupt the activities of networks and individuals that spread terrorism; the European Union, for its part, was pursuing that aim through its Strategy for Combating Radicalization and Recruitment to Terrorism. It attached great importance to the prohibition by law of incitement to terrorism and urged Member States to match their national legislation with the provisions of Security Council resolution 1624 (2005). Under the Council of Europe Convention on Prevention of Terrorism, adopted in 2005, States parties were required to adopt measures to treat incitement to terrorism, recruitment for terrorism and terrorist training as criminal offences. In addition, the European Union would continue its efforts to strengthen dialogue between cultures. In conclusion, he stressed the importance of eliminating duplication in reporting.

45. **Ms. Ferrari** (Saint Vincent and the Grenadines), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM condemned terrorism in all its forms and was ready to work with all Member States for its eradication. CARICOM States had themselves suffered from terrorist acts that had remained especially painful because the perpetrators had gone unpunished. All victims of terrorism deserved justice; no terrorist should be allowed to act with impunity.

46. Adoption of the United Nations Global Counter-Terrorism Strategy was a significant achievement; Member States should move to implementation without delay. The Strategy document should make it clear that neither those who gave comfort to terrorists nor those who failed to take the necessary steps to curb terrorism within their borders would be tolerated. The Strategy should also address the conditions conducive to terrorism, in particular through the adoption of an integrated approach.

47. CARICOM countries were concerned about the burden placed on them by reporting obligations and,

while acknowledging the efforts made by the Counter-Terrorism Committee to assist developing countries in meeting those obligations, she stressed the need to streamline them and to find ways of alleviating the burden. CARICOM attached importance to ensuring respect for human rights and civil liberties in all counter-terrorism action and emphasized that any definition of terrorism should acknowledge the legitimate struggle of peoples for self-determination. In conclusion, she reiterated CARICOM's support for the convening of a high-level international conference under the auspices of the United Nations to formulate a joint response of the international community to terrorism in all its forms.

48. **Mr. Yousfi** (Algeria) said that his Government condemned terrorism in all its forms and manifestations. The limitations of unilateral action against a threat which disregarded borders meant that States must join forces under the auspices of the United Nations. The latter had a central role to play since its instruments offered a suitable legal framework for endeavours to fight terrorism. His country, which had suffered greatly through terrorism, was pleased that the international community had demonstrated an awareness of the constant danger terrorism posed to international peace and security.

49. The United Nations Global Counter-Terrorism Strategy provided a basis for coordinating existing mechanisms for combating terrorism, strengthening Security Council action and securing closer cooperation with other international organizations. Moreover, it reiterated the principle of the right to self-determination. Any simplistic confusion between terrorism and the legitimate struggle of peoples under colonial domination for their independence must be avoided. It would be unjust to deny such a right, although it must be exercised in keeping with international humanitarian law.

50. State terrorism, to which it referred to in section II of the Strategy, was a reality, as recent crimes in Lebanon and Palestine had shown. The international community must resolutely condemn and find a response to that form of terrorism. Measures to deal with terrorism should tackle not only its symptoms but also its underlying causes. It was vital to consolidate international cooperation in the struggle against terrorism. That meant that all States should become parties to the relevant international instruments and adopt collective measures, particularly in the areas of mutual judicial assistance and the exchange of information between counter-terrorism services. The inclusion of the principle of extradite or prosecute in the Strategy would help to end impunity and misuse of the right of asylum.

51. Terrorism was not the monopoly of any one religion, ethnic group, culture or geographical area. Any singling out of a religion, culture or civilization would be inimical to a calm and careful analysis of terrorism. All religions, including Christianity, Islam and Judaism, imparted a message of peace and brotherhood, but marginal groups claiming to act in God's name had distorted that message. Initiatives within the United Nations to promote dialogue between cultures and civilizations deserved support. The sources of financing for terrorism had to be cut off and its logistic support networks dismantled.

52. The General Assembly had a central role to play in securing international peace and security. It would therefore be desirable if the Sixth Committee could set up a working group to explore ways of overcoming the current deadlock on the draft comprehensive convention on international terrorism, so that the instrument could be adopted as soon as possible.

53. **Mr. Ben Lagha** (Tunisia) said that the ongoing threat of global terrorism and the alarming rise in the number of attacks all over the world brought home the urgent need to respond firmly to that threat. His Government therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy.

54. Despite the measures taken by the General Assembly and the Security Council, the legal framework put in place by the United Nations was incomplete because it did not offer a comprehensive, unified approach. The General Assembly should therefore pursue consultations in an effort to reach agreement on a draft comprehensive convention which would fill the gaps and meet the concerns of all parties. It was to be hoped that States would demonstrate sufficient political will to overcome their differences. Nevertheless, the adoption of such a convention should not be seen as an end in itself and should not prevent the international community from seriously considering every possible means of fighting terrorism through a multidimensional approach which went to the root of that international scourge. The factors which promoted its spread were linked to the challenges facing the modern world, which stemmed from poverty, exclusion and frustration born of double standards and the lack of fairness in dealing with long-standing international problems.

55. It would therefore be helpful to convene an international conference under the auspices of the United Nations to draw up an international code of conduct for the struggle against terrorism, by which States could voluntarily abide as a token of their political and moral attachment to certain international principles.

56. His Government, which was deeply attached to the values of tolerance and moderation, regretted the upsurge of unfortunate incidents which stirred up hatred among cultures and fostered radicalism and extremism. Tolerance and dialogue among civilizations, accompanied by greater understanding among religions and cultures, were essential to the success of joint efforts to quell terrorism.

57. **Ms. Blum** (Colombia) hailed the adoption of the United Nations Global Counter-Terrorism Strategy, which reflected the determination of all the members of the General Assembly to face up to terrorism in a coordinated and forceful manner. While dialogue between civilizations and human rights education were of fundamental importance for rapprochement and understanding, practical steps should be taken to prevent, contain and penalize all perpetrators of acts of terrorism. Those steps should, however, be in keeping with the rule of law at the national and international levels.

58. The plan of action annexed to the Strategy ought to lead to closer international cooperation to synchronize practical action by Member States, which should apply immediately all the measures set forth in that instrument. At the same time, no effort should be spared to build the capacity of States to prevent and combat terrorism and to give the victims of that scourge all due assistance. It went without saying that human rights and the rule of law had to be fully observed in the battle against terrorism.

59. Her country, which had experienced repeated acts of terrorism, agreed with the Strategy and was determined to step up its international cooperation in order to ensure the Strategy's full implementation. Similarly her Government favoured the adoption of a comprehensive convention on international terrorism and therefore urged delegations to overcome their differences and reach a consensus.

60. Although the institutions in Colombia had faced constant challenges from terrorism, the democratic security and defence policy, designed to champion the democratic order and the rule of law, had helped gradually to restore the trust of the population and of investors. That had been reflected in a revival of the economy. An active Government presence in all four corners of the country had made it possible for all mayors, irrespective of their political complexion, to exercise their functions in the municipalities where they had been elected. There had also been a substantial drop in terrorist attacks in both towns and the countryside, in violent crime and in the number of murders and kidnappings.

61. Although there was still a long way to go before the scourge of terrorism could be vanquished completely, those results showed that determination on the part of peoples and Governments to break up terrorist organizations plus an overall international strategy were the prerequisites for achieving that aim. A commitment to democracy and the well-being of nations made it imperative to band together in order to guarantee that the force of reason and not the injustice of force governed the destiny of humankind.

62. **Ms. Al-Ghanem** (Kuwait) said that her country condemned terrorism in all its forms and manifestations. Terrorism was incompatible with all religions and human values and it was inadmissible to link it with any ethnicity, group or religion. In the same vein, respect for human rights and international law was a vital consideration in the fight to eliminate it. She welcomed the United Nations Global Counter-Terrorism Strategy, together with its plan of action, and stressed the importance of ensuring its constant vitality through periodic updating in the light of new developments. Its momentum should be harnessed to conclude a comprehensive counter-terrorism convention containing a full legal definition of terrorism and terrorist acts, which should not be confused with the right of peoples to self-determination and freedom from occupation. She similarly welcomed the move to convene a high-level conference on terrorism under the auspices of the United Nations and supported the establishment of an international counter-terrorism centre. As for its own efforts at the international and regional levels, Kuwait had actively participated in various dialogues and conferences on the subject and was exploring ways of strengthening cooperation with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC). A bill on counter-terrorism was to be submitted to the Kuwaiti National Assembly as soon as the current drafting exercise was complete and Kuwait

would be submitting its fifth report to the Counter-Terrorism Committee in the very near future.

63. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN member countries strongly condemned terrorism in all its forms and manifestations. Terrorism was one of the most serious threats to international peace and security and constituted the most flagrant violation of international law. It endangered the territorial integrity and stability of States and had an adverse impact on their economic and social development.

64. Counter-terrorism measures must be comprehensive, balanced and in compliance with international law. At the same time, it was vital to address the root causes of terrorism. No religion, civilization or ethnic group should be stigmatized as terrorists. The United Nations must continue to play a leading role in the fight against terrorism. The adoption of the United Nations Global Counter-Terrorism Strategy had therefore been a welcome move. The ASEAN countries looked forward to the conclusion of a comprehensive convention on international terrorism in the near future. Moreover, they were committed to preventing, suppressing and eliminating international terrorism in accordance with the Charter of the United Nations and international law. They had spared no effort to build and strengthen coordination and cooperation in their own region and with other regions to that end. The annual ASEAN Ministerial Meetings on Transnational Crime played a significant role in enhancing joint action to combat terrorism and transnational crime. All ASEAN member countries had signed the regional Treaty on Mutual Legal Assistance in Criminal Matters which would heighten the effectiveness of such action, and they were striving to conclude an ASEAN convention on counter-terrorism.

65. ASEAN member countries were doing more to share intelligence on terrorism between security-related bodies and national authorities. Efforts had been made to improve the capacity of counter-terrorism agencies and to further collaboration between regional centres. In the field of extraregional cooperation, ASEAN had issued joint declarations with a large number of countries.

66. ASEAN would continue to work together with the international community, especially with the United Nations, in order to combat international terrorism, since it believed that such efforts would ensure peace and stability and create an environment conducive to sustainable development, progress and prosperity throughout the world.

67. **Mr. Sandage** (United States of America) said that every year delegations came together to reaffirm their commitment to making the world safer from terrorism and to remember the innocents who had lost their lives in horrific acts of carnage and senseless acts of violence. Yet a few people still argued that such acts could be justified by reason of a political cause or movement. The international community had, however, repeatedly rejected that premise. The Committee's job was therefore to ensure that terrorists were isolated from support, brought to justice and denied the opportunity to strike again. Such action had to be in conformity with human rights law, refugee law and international humanitarian law.

68. As a cornerstone of the international community, the United Nations must play a crucial role in joint efforts to end the scourge of terrorism. It was to be hoped that the United Nations Global Counter-Terrorism Strategy would furnish a platform for practical improvements in the United Nations counter-terrorism programmes.

69. His Government was eager to see more cooperation among the United Nations bodies working on terrorism issues in order to avoid inefficiency and duplication of effort. Because fighting terrorism, State-building and development were mutually dependent, counter-terrorism should be addressed across the United Nations system in a coordinated manner. Enhancing the United Nations capacity to beat terrorism would have far-reaching benefits in that it would reduce the likelihood of conflict and social unrest and contribute to increased foreign investment, good governance and long-term development.

70. More emphasis should be placed on ensuring that States complied with international counter-terrorism obligations, since that was vital to the common purpose of making the world more peaceful, safe and secure. Standards of accountability against which the compliance efforts of each State could be measured were needed in order to ensure that those obligations were honoured. States which had the will but not the means to comply must be given assistance. His Government was therefore eager to work with its United Nations partners on capacity-building to help the willing stand against

terrorism. States which had the means but not the will should be called to account.

71. The Security Council had already assumed an important role in marshalling international efforts against terrorism through the creation of a truly global sanctions regime. The improved listing request procedures of the Security Council Committee established pursuant to resolution 1267 (1999) ought to give Member States enhanced opportunities for participating in the sanctions process. It was, however, of critical importance that sanctions were properly implemented and he therefore looked forward to working with colleagues on monitoring strategies for achieving that fundamental objective and on addressing concerns about the fairness and transparency of the process. It was to be hoped that the revision of the de-listing guidelines to ensure that de-listing petitions were given serious consideration would strengthen that important tool in the world's counter-terrorism arsenal.

72. The adoption of a directory of best practices relevant to the implementation of resolution 1373 (2001) by the Counter-Terrorism Committee was a positive step, because the directory referred to standards established by international technical organizations. The State visits and capacity-building endeavours of the Counter-Terrorism Committee and its Executive Directorate deserved support. The Counter-Terrorism Committee and the Directorate should do all that was necessary to make their activities more relevant and accessible to donor and recipient communities. The Counter-Terrorism Committee would face significant challenges in its attempts to develop best practices. In that connection, it should take account of the two core elements reflected in General Assembly resolution 1624 (2005), namely the international community's appreciation that it was important for States to take appropriate measures in accordance with the resolution to address incitement to terrorism and that those measures were implemented in diverse constitutional systems, including those which afforded strong protection for free expression. The Counter-Terrorism Committee's careful and respectful approach to those complex issues was greatly valued.

73. It was disappointing that it had proved impossible to address successfully the issues of whether the draft comprehensive convention on international terrorism would apply to national liberation movements and of the extent to which military activities would be excluded from the offences it covered. It was essential that agreement on the convention should be reached on terms in keeping with existing international legal instruments negotiated under the auspices of the United Nations and its subsidiary bodies. The adoption of a comprehensive convention which filled the gaps in the international legal framework relating to acts of terrorism would be a very positive step, provided it upheld the principles developed over decades of work.

74. **Mr. El-Sager** (Libyan Arab Jamahiriya) said that the threat of terrorism was a global phenomenon; it was not specifically confined to any one country and nor could it be fought unilaterally. The fight to eliminate it therefore demanded concerted international efforts, including a clear definition of terrorism that took into account its motives and causes. With that aim in mind, his country had been among the first to call for the convening of an international conference on terrorism under United Nations auspices, in which connection he affirmed the imperative need to differentiate between a terrorist act that was a criminal offence under international law and the right of peoples to self-determination and legitimate self-defence. Terrorism was also unrelated to any particular religion or nationality and efforts to fight it should not be used as a pretext for violation of the rule of law or human rights or for interference in internal affairs. As for State terrorism, it was to be roundly condemned as no less serious a form of terrorism than that committed by groups and individuals, which the proposed comprehensive convention on international terrorism would seek to address. His country was actively involved in the international efforts to combat terrorism; it had acceded to the 12 international counter-terrorism conventions and to Arab and African conventions on the subject, in addition to which it had signed the International Convention for the Suppression of Acts of Nuclear Terrorism. It also cooperated fully with the Security Council Committee established pursuant to resolution 1373 (2001).

The meeting rose at 1 p.m.